

ADR

1 Your Name: BRIAN R. GRANTHAM

2 Address: 1290 EAST 23RD ST, MERCEDES, CA 95340

3 Phone Number: (209) 261-2602

4 Fax Number: -

5 E-mail Address: BRIGRANTHAM@AOL.COM

6 Pro Se Plaintiff

E-FILING

FILED

SEP 21 2016

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE



7

8 United States District Court

9 Northern District of California

10 **CV 16 5402**

11 Case Number: [leave blank] HRL

12

13 Plaintiff(s),	COMPLAINT
14 vs.	
15 <u>HUNT & TENQUIES</u>	DEMAND FOR JURY TRIAL
16	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
17	
18	
19 Defendant(s).	

20

21 1. Parties in this Complaint

22 a. Plaintiff(s). Write your name, address, and phone number. If there are other
23 plaintiffs, use more pages to include their names, addresses, and phone numbers.

24 Name: BRIAN R. GRANTHAM

25 Address: 1290 EAST 23RD ST.

26 MERCEDES, CA 95340

27 Phone number: (209) 261-2602

1 b. Defendant(s). Write the full name and address of every defendant. If the defendant is
 2 a corporation, write the state where it is incorporated and the state where it has its main place of
 3 business. Use more pages if you need to.

4 **Defendant 1:**

5 Name: HUNT : HENRIQUES, ATTYS. AT LAW

6 Address: 151 BERNAL RD, STE #8

7 SAN JOSE, CA 95119-1306

8 **Defendant 2:**

9 Name: _____

10 Address: _____
 11 _____

12 **Defendant 3:**

13 Name: _____

14 Address: _____
 15 _____

16 **Defendant 4:**

17 Name: _____

18 Address: _____
 19 _____

20 **2. Jurisdiction**

21 Usually, only two types of cases can be filed in federal court: cases involving "federal
 22 questions" and cases involving "diversity of citizenship." Check at least one box.

23 My case belongs in federal court under federal question jurisdiction because it is
 24 about federal law(s) or right(s).

25 Which law(s) or right(s) are involved? DEFENDANT VIOLATION OF 15 U.S.C. §
 26 1692 (THE FAIR DEBT COLLECTION PRACTICES ACT / FDCPA)

27 My case belongs in federal court under diversity jurisdiction because none of the plaintiffs
 28 live in the same state as any of the defendants AND the amount of damages is more than \$75,000.

COMPLAINT

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1 **3. Venue**

2 *This Court can hear cases arising out of Alameda, Contra Costa, Del Norte, Humboldt,*
3 *Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco,*
4 *San Mateo, and Sonoma counties. This is the right court to file your lawsuit if 1) All defendants*
5 *live in California AND at least one of the defendants lives in this district; OR 2) A substantial*
6 *part of the events you are suing about happened in this district; OR 3) A substantial part of the*
7 *property that you are suing about is located in this district; OR 4) You are suing the U.S.*
8 *government or a federal agency or official in their official capacities and you live in this district.*
9 *Explain why this district court is the proper location to file your lawsuit.*

10 Venue is appropriate in this Court because OF REASONS # 1 AND # 2
11 STATED ABOVE.

12 **4. Intradistrict Assignment**

13 *There are three divisions of this Court: San Francisco/Oakland, San Jose, and Eureka.*
14 *The San Francisco/Oakland division covers Alameda, Contra Costa, Marin, Napa, San*
15 *Francisco, San Mateo, and Sonoma counties. The San Jose division covers Monterey, San*
16 *Benito, Santa Clara, Santa Cruz counties. The Eureka division covers Del Norte, Humboldt,*
17 *Lake, Mendocino counties, only if all parties consent to a magistrate judge. Explain which*
18 *division your case should be assigned.*

19 This lawsuit should be assigned to [Select one: San Francisco/Oakland] San Jose, OR
20 Eureka] Division of this Court because DEFENDANT'S PRINCIPAL PLACE OF
21 BUSINESS IS IN SAN JOSE

22 **5. Statement of Facts and Claims**

23 *Write a short and simple description of the facts of your case. Include WHERE and*
24 *WHEN the events happened, WHO was involved, WHAT role each defendant played, and HOW*
25 *you were harmed. If you know which laws or rights the defendant violated, you can include them,*
26 *but you do not need to make legal arguments. Put each fact or claim into a separate, numbered*

27 **COMPLAINT**

28 PAGE 3 OF 7 [JDC TEMPLATE]

1 paragraph, starting with 5a, 5b, and so on. Attach additional sheets of paper as necessary. You
 2 may attach documents that support your claims to the end of this Complaint as exhibits. Explain
 3 what each exhibit is, when and how you got it, and how it supports your claims. Attaching a
 4 document to your Complaint does not necessarily mean that it will be accepted as evidence.

5 (5a) ON SEPTEMBER 23, 2015, HUNT & HENRIQUES
 6 MAILED ME A LETTER ENTITLED "NOTICE OF INTENT TO FILE
 7 SUIT AND INCU COURT COSTS"

8 A COPY OF THIS LETTER IS ATTACHED TO THE COMPLAINT.

9 (5b) HUNT & HENRIQUES IS A LAW FIRM WHOSE PRIMARY
 10 BUSINESS IS THE COLLECTION OF CONSUMER DEBT ^{ASSIGNED BY} ~~FOR~~ THIRD
 11 PARTIES. HUNT & HENRIQUES MEETS THE DEFINITION OF A
 12 "DEBT COLLECTOR" FOR PURPOSES OF THE FAIR DEBT COLLECTION
 13 PRACTICES ACT (15 U.S.C. § 1692) (HEREINAFTER "FDCPA").

14 (5c) IN THE LETTER OF SEPT. 23, 2015, HUNT & HENRIQUES
 15 MAKES THE FOLLOWING CLAIM:

16 "LEGAL ACTION COULD RESULT IN A JUDGMENT
 17 AGAINST YOU THAT WOULD INCLUDE THE COSTS
 18 AND NECESSARY DISBURSEMENTS WHICH SHALL
 19 BE LIMITED TO THE ACTUAL COST OF THE FILING
 20 (sic) FEE, THE ACTUAL COSTS OF SERVICE OF PROCESS
 21 AND... REASONABLE ATTORNEYS' FEES." (UNDER-
 22 SCORE ADDED).

23 THE LETTER MAKES NO REFERENCE TO ANY SPECIFIC CODE
 24 SECTION WHICH WOULD ALLOW FOR RECOVERY OF THE COSTS
 25 LISTED.

26 (5d) THERE IS NO PROVISION IN EITHER CALIFORNIA
 27 OR FEDERAL LAW WHICH PROVIDES FOR THE RECOVERY
 28 OF ANYTHING CALLED A "FILING FEE." CLAIMING THAT

1 (4a) A JUDGMENT AGAINST ME COULD RESULT IN
2 THE REWARD/RECOVERY OF A "FILING FEE" IS, IN
3 VIOLATION OF MULTIPLE PROVISIONS OF THE FDCPA, INCLUDING
4 § 1692e(2)(B), 1692e(5), 1692e(10) AND 1692(f).

5 (5e) IT IS MY UNDERSTANDING THAT THE NINTH
6 CIRCUIT HAS HELD THAT FDCPA VIOLATIONS ARE TO
7 BE INTERPRETED UNDER A STANDARD OF STRICT LIABILITY.

8 (5f) IT IS ALSO MY UNDERSTANDING THAT
9 COMMUNICATIONS FROM DEBT COLLECTORS ARE TO BE
10 CONSIDERED, ACCORDING TO THE NINTH CIRCUIT, FROM THE
11 PERSPECTIVE OF THE "LEAST SOPHISTICATED CONSUMER".

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1 **6. Demand for Relief**

2 *State what you want the Court to do for you. For example, depending on which claims
3 you raise, it may be appropriate to ask the Court to award you money or order the defendant to
4 do something or stop doing something. If you are asking for money, you can say how much you
5 are asking for and why you should get that amount.*

6 I AM ASKING FOR THE STATUTORY RELIEF PROVIDED
7 BY THE FDCPA:

8 a) AN AWARD OF ONE THOUSAND DOLLARS (\$1000.)
9 b) ALL COSTS, INCLUDING FILING FEES, SERVICE
10 OF PROCESS, ~~AN~~ REASONABLE ATTORNEY FEES AND ANY OTHER
11 COSTS ENGENDERED BY THIS SUIT.

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15 **7. Demand for Jury Trial**

16 *Check this box if you want your case to be decided by a jury, instead of a judge.*

17 Plaintiff demands a jury trial on all issues.

18
19 *All plaintiffs must sign, date, and print their names at the end of the Complaint. Attach
20 another page if you need to.*

21
22 Respectfully submitted,

23
24
25 Date: 9/19/16 Sign Name:

26
27 Print Name:

Brian R Grantham
BRIAN R GRANTHAM

September 23, 2015

**BRIAN R GRANTHAM
1290 E 23RD ST
MERCED CA 95340-4164**

Re: NOTICE OF INTENT TO FILE SUIT AND INCUR COURT COSTS

CAPITAL ONE BANK (USA), N.A.

Account number ending in: 3868

Balance due as of September 23, 2015: \$5,348.71

Dear BRIAN R GRANTHAM:

The purpose of this letter is to advise you that our firm intends to file suit against you on behalf of our client CAPITAL ONE BANK (USA), N.A.. Legal action could result in a judgment against you that would include the costs and necessary disbursements which shall be limited to the actual cost of the filing fee, the actual costs of service of process and, when otherwise specifically allowed by law, reasonable attorneys' fees.

This communication is from a debt collector.

Very truly yours,

P. W. Ogle

**Andrea Watkins
Hunt & Henriques
Attorneys at Law**

HUNT & HENRIQUES
ATTORNEYS AT LAW
151 BERNAL ROAD, SUITE 8
SAN JOSE CA 95119-1306
RETURN SERVICE REQUESTED

↳ [View on GitHub](#) ↳ [View on Bitbucket](#) ↳ [View on Travis CI](#)

BRIAN R GRANTHAM
1290 E 23RD ST
MERCED CA 95340-4164

COMPLAINT EXHIBIT A

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